

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

TRANSLATION
PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing **See Form PCT/ISA/210**
(day/month/year) **(sheet 2)**

Applicant's or agent's file reference

A 15587-I-PCT

FOR FURTHER ACTION

See paragraph 2 below

International application No.

PCT/EP2005/003694

International filing date (day/month/year)

08.04.2005

Priority date (day/month/year)

19.04.2004

International Patent Classification (IPC) or both national classification and IPC

H05K7/20

Applicant

RITTAL GMBH & CO. KG

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☒ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(h) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP

Authorized officer

Facsimile No.

Telephone No.

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Box No. I

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language _____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>3, 5-8, 10-16</u>	YES
	Claims	<u>1, 2, 4, 9</u>	NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-16</u>	NO
Industrial applicability (IA)	Claims	<u>1-16</u>	YES
	Claims		NO

2. Citations and explanations:

1

Reference is made to the following document:

D1: PATENT ABSTRACTS OF JAPAN vol. 1996, no. 06,
28 June 1996 (1996-06-28) & JP 08 046381 A (MIYACHI
TECHNOS CORP), 16 February 1996 (1996-02-16)

A machine translation of the document JP 08 046381 A
(Miyachi Technos Corp), 16 February 1996 (1996-02-16)
can be downloaded from the website

[http://dossier1.ipdl.ncipi.go.jp/AIPN/aipn_call_transl.i
pdl?N0000=7413&N0120=01&N2001=2&N3001=H08-046381](http://dossier1.ipdl.ncipi.go.jp/AIPN/aipn_call_transl.ipdl?N0000=7413&N0120=01&N2001=2&N3001=H08-046381).

2

INDEPENDENT CLAIM 1

2.1

The present application does not meet the requirements
of PCT Article 33(1), because the subject matter of
claim 1 is not novel within the meaning of PCT Article
33(2). Document D1 discloses (the references between
parentheses relate to said document):

a mounting plate (heat dissipation plate 10) for
electronic components (transistors GTR2,4), a
fixing device for mounting electronic components

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Box No. V

Reasoned statement under Rule 43bis.1(a)(I) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

being located on the plate body. The fixing device comprises a retaining piece (nuts M2, M4 and bolts N2, N4) having a fixing thread and an undercut groove extending in a straight line in the direction of extent of the mounting plate (slots GP), into which the at least one retaining piece can be inserted to secure the component (the nuts M2, M4 are pushed into the slots GP).

3

DEPENDENT CLAIMS 2-16

3.1. Dependent claims 2, 4, 9 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty (PCT Article 33(2)), see document D1.

3.2. Dependent claims 3, 5-8, 10-16 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for an inventive step (PCT Article 33(3)).

3.2.1. Dependent claim 3 concerns a minor structural modification of the fixing device according to claim 1 of the kind that a person skilled in the art routinely makes on the basis of familiar considerations, especially since the resulting advantages are readily foreseeable. Consequently, the subject matter of claim 3 also does not involve an inventive step.

3.2.2. The same respectively applies to claims 5-8 and 10-16.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

Contrary to PCT Rule 5.1(a)(ii), the description does not cite D1 or indicate the relevant prior art disclosed therein.